



LOUISIANA NATURAL AND SCENIC RIVERS SYSTEM

PERMIT APPLICATIONPermit # 935 (Assigned by Department)

The Louisiana Department of Wildlife and Fisheries' Scenic Rivers program is authorized by LRS title 56, Chapter 9 Part II. This law requires permits authorizing activities in or affecting rivers that have been designated by the Louisiana Legislature as Natural and Scenic. Information provided on this form will be used in evaluating the application for a permit. Information in this application is made a matter of public record through issuance of a public notice. Disclosure of the information requested is voluntary, however, the data requested are necessary in order to communicate with the applicant and to evaluate the permit application. If necessary information is not provided, the permit application cannot be processed nor can a permit be issued.

APPLICANT INFORMATION

Name of Applicant Utilities Inc. of Louisiana	Name of Agent (if any)
Address <u>201 HOUSSAY BLVD. STE 150</u>	Address
Address	Address
City, State, Zip Covington, LA 70433	City, State, Zip
Phone <u>985-893-6646</u>	Phone

DESCRIPTION OF THE PROPOSED ACTIVITY

Brief summary of the description and purpose of the proposed activity (details to be attached as a separate document)

This is a request for an Emergency permit to relocate the existing gravel access road along Flowers Bayou in order to maintain reliable/safe drinking water and sewer service to the surrounding community.

Is any portion of the activity complete? YES or NO (If yes, indicate month and year of completion)

LOCATION OF PROPOSED ACTIVITY

Stream Name	Flowers Bayou	Names, Addresses, Phone Numbers of Adjacent Property Owners
Parish	St. Tammany	
Section	47	
Township	7 South	
Range	11 East	
Latitude/Longitude	30.454688N 90.134761W	

ENVIRONMENTAL ASSESSMENT

Must be a separate document. See the attached instruction sheet for completing the assessment.

CONFIRMATION OF INFORMATION ACCURACY

Application is hereby made for a Scenic River Permit to authorize the activities described herein. I certify that I am familiar with the information contained in this application and that, to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities, or I am acting as the duly authorized agent of the applicant.


Signature7/16/15
Date



UTILITIES INC. OF LOUISIANA
201 HOLIDAY BOULEVARD, SUITE 150
COVINGTON, LOUISIANA 70433

July 16, 2015

By Hand

State of Louisiana
Department of Wildlife and Fisheries
Administrator of the
Louisiana Natural and Scenic Rivers System
2000 Quail Drive
P.O. Box 98000
Baton Rouge, LA 70898-9000
Attention: Chris Davis/Matt Weigel

RE: Modification/Variance Request – Scenic River Permit #926

Dear Messrs. Davis and Weigel:

We are writing you to request an additional “emergency” permit with respect to Scenic River Permit #926 that you issued on June 23, 2015. Per this Permit, the Louisiana Department of Wildlife and Fisheries (LDWF) stipulated that a “50 foot wide buffer be maintained between the mean low water line of Flowers Bayou and the proposed project” identified in the permit application, including “its parking lot, driveway and any access road.” The permit also specifically provided that it “does not authorize the construction of the access road which the permittee indicated would be designed and constructed by others.”

We have informed you that the access road identified in the permit application was intended for Utilities Inc. of Louisiana (UIL) and UIL would construct the access road in furtherance of UIL’s amended and restated servitude effectuated on April 30, 2015 and recorded on May 20, 2015. We enclose for your reference the original UIL servitude for the subject property, the first amendment to the servitude and the amended and restated servitude.

The amended and restated UIL Servitude was made to accommodate the proposed project of your applicant, GY-Covington, LA-1-UT, LLC (GY), and the current owner of the subject property. As a result, at the time of entering into the amended and restated servitude, GY agreed to seek the permit for the access road in connection with its project. When creating the amended and restated servitude, the 50’ wide buffer had not been established and UIL had no knowledge of that any 50’ wide buffer would be created.

The creation and mandate of the 50’ wide buffer was entirely unexpected to UIL. UIL knew the subject property, including the portion of Flowers Bayou (measuring 5’ wide by 3’ deep on March 12, 2015 at the subject property) that was within the boundaries of the subject

property, to be private property. UIL further knew that the new area for the access road consisted of clear land in which UIL had sewer and water lines running and Cleco had overhead electric utility lines running. Additionally, UIL knew the access road utilized by it and its predecessor that runs the length of Flowers Bayou from Highway 21 to what is now Ochsner Boulevard existed for more than 20 years and this road for the most part was within an area approximately 35' to 50' from the mean low water line of Flowers Bayou.

As we discussed in our meeting on Friday, July 10, 2015 at the office of the LDWF in Baton Rouge, Louisiana, UIL's need for a new "emergency" permit with respect to Permit #926 is imminent. UIL provides water and sewer services to the entire area around the GY property, which includes many homes, a mental health hospital, a comprehensive health care facility where daily surgeries are conducted, medical service offices, a health club and various other commercial establishments. The access road will allow UIL to access its nearby water tower facilities and sewer lift station, which facilities and station are vital to the sewer and water services provided to the area and UIL is required under law to visit and check daily. UIL must also treat the water that it provides from the water tower facilities at least once or twice a month. Without the access road, UIL will not be able to reach the water tower facilities and sewer lift station and maintain its services in the area. As such, UIL's need for the access road is a matter of public health and safety.

UIL believes that based upon its obligation alone to provide clean water and adequate sewer services to the area around the subject property, an "emergency" permit is merited. UIL has no other servitude rights to access the water tower facilities, sewer lift station and other facilities in the area, but through the property of GY. Additionally, UIL is not requesting the access road on GY's property to be entirely within the 50' buffer – only a portion of UIL's road, as shown on the enclosed plat, will be within the 50' buffer. Further, as mentioned above, the area of the access road is a cleared area where UIL's water and sewer lines and Cleco's overhead electric utility lines run. These lines can be seen on the enclosed plat. UIL is no more impacting the area than it already has been impacted. Finally, as mentioned above, UIL's existing road along Flowers Bayou beyond the GY property is mostly within 50' of the mean low water line of Flowers Bayou, and UIL and its predecessor have used this road for more than 20 years and there has never been any issue.

In connection with UIL's request for the "emergency" permit, you asked UIL to consider alternatives. We have informed you that there are no viable alternatives. UIL's need is imminent and a matter of public health and safety. Any alternative access route to UIL's water tower facilities and sewer lift station would require UIL acquiring servitudes over privately owned property. The acquisition of any such servitudes would require UIL to identify the correct decision makers for the property owners involved, contacting them and negotiating an agreement with them, including negotiating the consideration UIL would have to pay them and in many cases the insurance UIL would have to procure in their names.

The process of securing the necessary alternative access servitudes could therefore take many months, with the most difficult component being the negotiation of the consideration and the procurement of insurance. Similar to the 50' buffer mandated by Permit #926, UIL would be asking landowners to take a significant portion of their property out of commerce, and

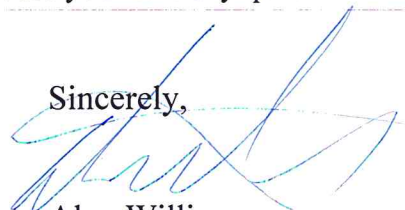
depending upon how valuable any such landowners view their property, their asking price may be far from practical. UIL has experience with this issue. In fact, UIL attempted negotiating with the owners of one of the locations (point B on the enclosed aerial you provided us) for an access servitude many years ago before the property was developed. Their asking price was worth far more than what the property if purchased today is worth. In other similar negotiations, UIL has encountered similar high dollar demands, as well as extensive insurance requirement requests.

With respect to the alternative locations you inquired about, we also note that locations B and C now provide logistical impediments. The properties at B and C are now entirely developed, and as result, there is limited space (if not insufficient space) to install an access road away from the buildings on these properties. Also, the land for properties B and C have been built up considerably since the properties have been developed resulting in a considerable grade difference between the UIL well tower site and these properties. This grade difference would create a substantial issue in constructing a safe and viable access road for UIL's use.

With respect to location A on the aerial you provide us, UIL would have to negotiate for an approximate 1,300' access road servitude from at least two landowners – one being the owner of a property upon which a health club is situated and another being a neighborhood association. More importantly, an access road along this route would either have to be located within 50' of the mean low water line of Flowers Bayou or result in the clearing of significant vegetation around Flowers Bayou. As a result, an access road at location A would be much more impactful to the Flowers Bayou buffer area than the limited variance that UIL seeks with respect to the GY property. As mentioned above, the area where the access road will be installed on the GY property is already cleared and will have to remain cleared for the already existing Cleco electric utility lines and UIL sewer and water lines.

In light of the foregoing, UIL kindly requests that the LDWF immediately modify grant the requested "emergency" permit to allow UIL to construct its access road within the area indicated on the enclosed plat. Please understand that UIL will lose access to its well tower site and sewer lift station in the next few days as a result of GY's construction. We therefore ask you to please give our request immediate attention. We thank you in advance for your consideration and ask that you contact me at (985)705-4696 should you have any questions.

Sincerely,



Alex Williams,
Sr. Utilities Engineer

w/ enclosures

cc: Delos Williams, Utilities Inc. of Louisiana
Warren Fleet, Jones Walker LLP
Remy Donnelly, Jones Walker LLP



State of Louisiana

BOBBY JINDAL
GOVERNOR

DEPARTMENT OF WILDLIFE AND FISHERIES

ROBERT J. BARHAM
SECRETARY

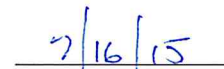
Dear Scenic River Permit Applicant:

Please review and concur on the following statement regarding the issuance of permits by the Louisiana Department of Wildlife and Fisheries. This agreement must be signed and returned before a Scenic River Permit can be issued.

"I have been advised and do understand that by applying for and accepting a Scenic Rivers permit issued by the Louisiana Department of Wildlife and Fisheries, I am being allowed to engage in an activity which would otherwise be prohibited by law or for which a permit is required. I understand that the permit is not a license and confers no property right upon me. I specifically agree to abide by all State and Federal fish and wildlife laws and regulations, and all State and Federal laws and regulations which relate to this permit or the permitted activity, and by all other terms and conditions of this permit. I understand that the permit for which I am applying may be suspended, annulled, withdrawn or revoked and that I may be assessed civil penalties, all in accordance with the provision of the Louisiana Administrative Procedure Act, and that I may be denied future permits as a consequence of my failure to fully and completely comply with the terms and conditions of the permit, as well as other laws and regulations pertinent thereto. If served with or notified of a cease and desist order signed by the Scenic Rivers Administrator, I agree to immediately and without delay cease all activities and operations which relate to the permitted activity or which are impacting the Scenic River, until such time as the matter can be resolved in an adjudicatory hearing pursuant to the Louisiana Administrative Procedure Act. I understand and agree that any permit issued to me by the Louisiana Department of Wildlife and Fisheries is in the nature of a privilege which is being voluntarily extended to me by the Department and the failure on my part to cooperate with the Department can result in the loss of the privilege conferred and the denial of future requests for permits. By accepting this permit, I evidence my agreement to be bound by all conditions and stipulations set forth herein."

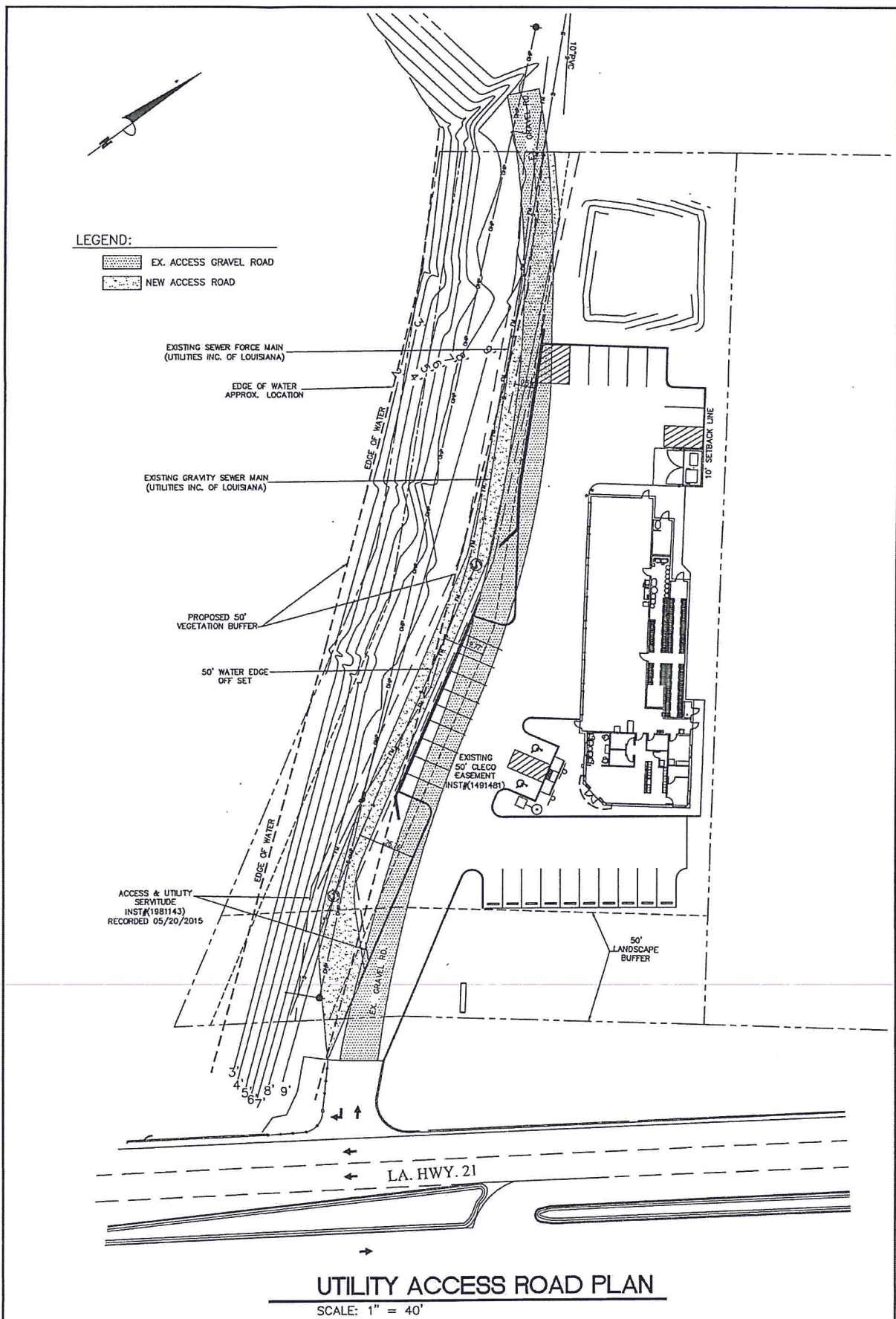


Authorized Signature



Date

REV. 12/7/98



Plot Date: JUL 13, 2015
 Proj. File: C:\Users\jbrunson\Documents\LA DRAWING FILES\LA-HWY-21-JOB DRAWING\GOODYEAR\LA-ACCESS-RD-PLAN.dwg

SHEET NO.	JOB NO.	REVISION NO.	DATE
A-1	70471	1	03-11-2015
	DRAWN BY: RSB	2	07-13-2016
	SCALE: AS SHOWN		
	COMPUTER FILE:		
	02-12-2015		
	04-01-2016		
	05-20-2015		

PROJECT DESCRIPTION:
 UTILITY ACCESS ROAD PLAN
 GOODYEAR - 70471 L.A. HWY. 21
 COVINGTON, LOUISIANA

Utilities, Inc.
 201 Holiday Boulevard, Suite 150
 Covington, Louisiana 70413
 Ph: (985) 893-6646 Fax: (985) 882-6322 Aewilliams@uiwater.com

